

		दूरभाष /Telephone:044-28331011 फेक्स /Fax :044-28331113
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE 26/1, महात्मागांधीमार्ग, नुंगम्बाक्कम, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034		

सी सं /C.No.II/39/25/2021-CCA.RTI.APPEAL

दिनांक/Dated : 19/02/2021

ORDER-IN-APPEAL NO. 05/2021-CCA-RTI(Appeals)
(Order passed by B. Senthilvelavan I.R.S.,
Additional Commissioner and First Appellate Authority)

1. This Order-in-Appeal is issued under Sub-Section (1) of Section 19 of the Right to Information Act, 2005.
2. An appeal against this order can be preferred to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi – 110 067, under Sub-Section(3) of Section 19 of the Right to Information Act, 2005.
3. An appeal against this order must be filed within 90 days from the date of receipt of this order.
4. For further information regarding procedure of appeals, please visit <http://cic.gov.in>

Shri Racha Naresh Reddy

1-1, Patimatla, Mothkur,
 Yadadri, Bhuvanagiri,
 Telangana – 508 277.

..... Appellant

Versus

The CPIO, Assistant Commissioner,
 Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone,
 26/1, Mahatma Gandhi Road, Nungambakkam,
 Chennai – 600034.

..... Respondent

Sub : Right to Information Act, 2005 – Shri Racha Naresh Reddy – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/10/2021-CCA.RTI dated 11.02.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri Racha Naresh Reddy, 1-1, Patimatla, Mothkur, Yadadri, Bhuvanagiri, Telangana – 508 277 (hereinafter referred to as “the appellant”) filed an appeal dated 12.02.2021 under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”) against the reply given by the Central Public Information Officer, Office of the Principal Chief Commissioner of Central Excise, Chennai Zone, vide C.No.II/39/10/2021-CCA.RTI dated 11.02.2021.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 14.01.2021 had sought the following information:

Category-wise vacancies of Central Excise Inspector post in all Commissionerates in Tamilnadu that are going to be recruited through SSC CGL 2019 Examination.

2.2 The CPIO vide letter C.No. II/39/10/2 021-CCA.RTI dated 11.02.2021 furnished reply in respect of the queries mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 12.02.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO has provided incomplete, misleading or false information.

3.2 The appellant requested the First Appellate Authority to pass OIA to provide him information as per his RTI application.

DISCUSSIONS & FINDINGS

4. I have carefully gone through the RTI application, reply given by CPIO and appeal filed by the applicant.

5. The appellant vide RTI application dated 14.01.2021 had sought information regarding the category-wise vacancies of Central Excise Inspector post in all Commissionerates in Tamilnadu that are going to be recruited through SSC CGL 2019 Examination. The appellant was provided with the category-wise vacancy of GST Inspectors reported to SSC CGL 2019 vide this office letter C.No.II/39/10/2021-CCA.RTI dated 11.02.2021.

6. With regards to the appellant's contention vide his appeal dated 12.02.2021 that the CPIO has only provided category-wise vacancies of Central Excise Inspector post in Tamilnadu State instead of category-wise vacancies of Central Excise Inspector post in all Commissionerates in Tamilnadu (like Salem, Puducherry, Coimbatore and Madurai, it is informed that while reporting vacancies for CGLE, the vacancies existing for the whole of Chennai Zone is only calculated and not Commissionerate wise. Therefore, category-wise vacancies for the whole of Chennai Zone is only available with this office and not Commissionerate-wise. Therefore, category-wise vacancies of Central Excise Inspector post for the whole of Chennai Zone is only provided to the appellant.

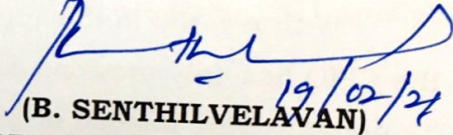
In this regard, it is pertinent to point out here that only the particulars available on records in respect of an issue falls within the ambit of "information" which can be provided by the CPIO; i.e. Right to Information Act, 2005 only intends to provide the information on records and not otherwise to satisfy the RTI applicant with the reply. The same issue has been elaborated by the Supreme Court in the matter of Central Board of Secondary Education & Anr Vs Aditya Bandopadhyay & Ors (in Civil Appeal No.6454 of 2011) wherein the Apex Court has clarified that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not

raised by the Applicants; or to furnish replies to hypothetical questions. Therefore, what is available with CPIO was only provided to the appellant. Hence, there is no justification in the grievance of the appellant.

7. In view of the above, I proceed to pass the following order.

ORDER

(i) I hold that the information furnished by the CPIO is sufficient and proper and there is no justification in the grievance of the appellant on the same. Hence, I reject the appeal as not maintainable under Right to Information Act, 2005.


(B. SENTHILVELAVAN)
19/02/21
**ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Copy to:

Shri Racha Naresh Reddy
1-1, Patimatla, Mothkur,
Yadadri, Bhuvanagiri,
Telangana - 508 277.

[By Speedpost]

Copy to:

The CPIO, Assistant Commissioner,
Office of the Principal Chief Commissioner of Central Excise, Chennai Zone.